

**2005 LEGISLATIVE SESSION  
ELEMENTARY AND SECONDARY EDUCATION RELATED LEGISLATION**

**School Calendar**

**SB 7 – AN ACT relating to the closure of schools for elections.**

**Sponsor: A. Kerr**

- Requires that schools be closed on primary election day, but the day may be used for professional development activities, professional meetings, or parent-teacher conferences.

**Levy and recall of taxes**

**SB 13 - AN ACT relating to levy and recall of taxes.**

**Sponsor: E. Harris**

- Changes the procedures for the levy and recall of local government, fiscal court, and school taxes.
- Removes the requirement that petitions be organized by precinct, sets forth the information that must be included on a petition, adds notification procedures and timelines for determination of the validity of the petition, provides for advertisement of the filing of the petition if the petitioners pay for advertisement at the time the petition is filed and establishes a time frame within which a county clerk's certification may be challenged.
- Provides that a recall petition for school taxes in a district be signed by a number of registered and qualified voters residing in the affected district equal to 10% of the votes cast in the preceding presidential election or in a district located in a consolidated local government be signed by five percent of a number of registered and qualified voters voting in the last preceding presidential election.
- Requires specially called school district elections to comply with the provisions of KRS 118.025, and that the election be held between 35 and 45 days from the certification of the petition.
- Makes the Act apply to orders, ordinances, resolutions or motions passed after July 15, 2005.

**Read to Achieve**

**SB 19 - AN ACT relating to reading, making an appropriation therefor, and declaring an emergency.**

**Sponsors: D. Kelly and J. Westwood**

- Makes changes in the Early Reading Incentive Grant program to implement the Governor's Read to Achieve initiative.
- Establishes reading proficiency as a gateway skill and establishes a goal for all children to read well prior to exiting the primary program.
- Defines "comprehensive reading program," "reading diagnostic assessment," and "reading intervention program".

- Provides renewable, two-year grants for schools to support implementation of reading diagnostic assessments and research-based reading intervention programs for struggling readers.
- Requires the KBE to promulgate an administrative regulation establishing criteria and guidelines after receiving advice.
- Renames the Early Reading Incentive Grant Steering Committee to the Reading Diagnostic and Intervention Grant Steering Committee and changes the steering committee membership to include more teachers and a library media specialist.

#### **Toll exemption for school vehicles**

##### **SB 115 - AN ACT relating to toll roads.**

**Sponsor: J. Rhoads**

Makes school district vehicles being operated in an official capacity eligible for a nonpaying toll-road identification card.

#### **Performance contracting**

##### **SB 133 - AN ACT relating to guaranteed energy, water, or wastewater savings performance contracting.**

**Sponsor: R. Sanders, Jr.**

Changes the Kentucky Model Procurement Code to include water, sewer, and metering upgrades in the definition of items appropriate for guaranteed energy savings performance contracting.

#### **Governor's scholars program**

##### **SB 134 - AN ACT relating to the Governor's Scholars Program.**

**Sponsors: R. Stivers, II, and T. Shaughnessy**

- Authorizes the Governor's Scholars Program, Inc. to manage and operate the Governor's Scholars Program and hire, fire, and manage personnel, including the executive director.
- Transfers the Governor's Scholars Program from the Education Cabinet to the Governor's Office for administrative purposes. Establishes a five-member board to be appointed by the Governor.
- Provides that appropriations from the general fund be transferred to Governor's Scholars Program, Inc. on July 1 of each year to facilitate the operation of the summer program.
- Requires quarterly and annual reports to be sent to the Governor's Office, the Finance Cabinet, and the Legislative Research Commission. Requires an annual financial audit conducted by an independent auditor and a report detailing the operations of the program.

#### **School health and nutrition**

##### **SB 172 - AN ACT relating to health and nutrition in schools.**

**Sponsor: A. Kerr**

- Requires a school food service director or person responsible for menu planning to hold a school food service and nutrition specialist credential or a Level 2 certificate issued by the American School Food Service Association within three years of the

effective date of the Act or appointment. Requires eight hours of continuing education for the director and two hours for school cafeteria managers relating to applied nutrition and healthy meal planning and preparation.

- Requires the Kentucky Board of Education to promulgate an administrative regulation specifying the minimum nutritional standards for all foods and beverages sold outside the National School Breakfast and National School Lunch programs.
- Limits the type of beverages elementary schools may offer during the school day.
- Establishes penalties for violations of food or drink restrictions.
- Requires school food service directors to assess annually school nutrition including the nutritional value of all foods and beverages available for students and to issue a written report to parents by the local board of education and school councils.
- Requires the local board to seek public comments on findings and requires the local board to hold a forum to discuss an improvement plan.
- Limits the sale of retail fast foods to up to one day per week.
- Requires each school council of a school containing grades K-5 or any combination thereof to develop and implement a wellness policy that includes daily moderate to vigorous physical activity each day. Permits the school council policy to allow physical activity to be considered part of the instructional day, not to exceed 30 minutes per day/150 minutes per week. Requires the KBE to develop an assessment tool that may be used.
- Prohibits the sale of competitive foods and beverages from the time of the arrival of the first student until 30 minutes after the last lunch period.

### **Reading Instruction Resources**

**SJR 92 - Directs the Department of Education to conduct a comprehensive assessment of the resources to improve reading instruction in the state.**

**Sponsor: G. Neal**

- Requires the Department of Education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1, 2005.

### **Homeland security records**

**HB 59 – AN ACT relating to public agencies and declaring an emergency.**

**Sponsor: M. Weaver, J. Draud, C. Miller**

- Creates an Open Meetings Law exception for the discussion of certain homeland security records that have a likelihood of threatening public safety.
- Permits a public agency to deny inspection of a homeland security public record only for specified reasons. Requires a public agency to provide the Executive Director of the Office of Security Coordination and the Attorney General with a copy of a written denial on the same day of the denial of a request to inspect a homeland security public record.
- Authorizes access to records and meeting discussions concerning security issues by a member of the General Assembly.

### **High school diplomas for veterans**

#### **HB 60 - AN ACT relating to the awarding of high school diplomas to veterans.**

**Sponsor: M. Weaver**

Requires a local board of education to award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II or the Korean conflict.

### **Truancy**

#### **HB 72 - AN ACT relating to habitual truancy.**

**Sponsor: R. Nelson**

- Identifies any public school student, who has not reached his or her twenty-first birthday, who has been absent from school without a valid excuse for three or more days or tardy without valid excuse on three or more days as truant.
- Identifies as a habitual truant a student who has been reported as truant two or more times.
- Holds a public school student who has attained the age of 18, but who has not reached his or her twenty-first birthday, accountable if the student fails to comply with school truancy laws. Holds the parent, guardian, or custodian of a public school student who has not reached his or her eighteenth birthday accountable if the student fails to comply with school truancy laws. Holds the court-appointed guardian of a public school student who has not reached his or her twenty-first birthday, accountable if the student fails to comply with school truancy laws.
- Requires school district personnel to inform students (between ages 18 and 21), parents, guardians, and custodians that they are subject to the truancy laws.

### **Open Meetings and Open Records**

#### **HB 77 – AN ACT relating to the dissemination of public information.**

**Sponsor: D. Graham**

- Requires the Attorney General to distribute Open Meetings and Open Records information to local government officials, superintendents of public school districts, presidents of public universities, and attorneys of public schools and universities within 90 days of changes in the law.
- Requires the Department for Libraries and Archives to assist the Attorney General with written information about proper retention and management of public records.
- Requires that notification be provided by the superintendent to each local board and council member 60 days after changes or election to office and maintain signatory proof of receipt.
- Makes public or private records having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency among the exemptions from open records laws. Makes the exemption applicable to the extent that nondisclosure is requested in writing by the donor of the records but does not apply to records the disclosure or publication of which is mandated by another statute or by federal laws.

### **Criminal Background Checks**

**HB 88 – AN ACT relating to criminal background checks.**

**Sponsors: S. Westrom**

- Permits a superintendent to require a national criminal history background check as a condition of employment for a classified job applicant who has resided in Kentucky twelve months or less.
- Requires an applicant for any district position to divulge all states in which he or she has lived and the dates of residency.
- Requires photo identification of any applicant.
- Requires public and private schools to have one school employee on duty at each school who has been delegated responsibility to administer glucagon subcutaneously for a student who is experiencing hypoglycemia or to administer Diazepam rectally to a student to stop a seizure:
  - 1) if the school has a student enrolled who has this diagnosis and need;
  - 2) the parent or guardian has provided written authorization;
  - 3) a statement from the student's health care practitioner including certain information is provided; and
  - 4) the medication is in an unopened, sealed package.
- Requires the student's parent or guardian to sign a written statement acknowledging that the school is not liable for any injury to the student related to the administration of the student's medication if the administration is not due to negligence or misconduct on behalf of the school or its employees.
- Requires the school to check the expiration date of the student's emergency glucagon kit or diazepam rectal gel on a monthly basis and notify the parent of impending expiration at least one month in advance.
- Clarifies that a school employee is not required to consent to administer glucagon or diazepam rectal gel to a student if the employee does not otherwise consent to provide the health service under KRS 156.502.

### **Math and Reading Professional Development**

**HB 93 - AN ACT relating to improving student achievement, making an appropriation therefor, and declaring an emergency.**

**Sponsors: H. Moberly, et.al.**

- Establishes the roles for governmental agencies to assist all students in achieving gateway skills in math and reading.
- Establishes a Committee on Mathematics Achievement charged with developing a strategic plan for improving student achievement at all educational levels designing a statewide professional development program that includes summer institutes at colleges and universities, follow-up, and school-based support services to begin by June 1, 2006, to prepare teams of teachers as coaches and mentors of mathematics at all school levels and to train teachers in diagnostic assessment and intervention. Requires the committee to provide a draft plan to EAARS no later than August 2005, to present the strategic plan to the Interim Joint Committee on Education by July 15, 2006, and to provide a final written report of committee activities to LRC and the Education Committee by December 1, 2006.
- Creates a postsecondary Center for Mathematics and establishes duties.

- Requires that notification be provided each local board and council member 60 days after changes in the law or election to office and maintain signatory proof of receipt.
- Establishes a fund for local district grants to support implementation of diagnostic and intervention services in mathematics.
- Requires the Kentucky Board of Education to promulgate administrative regulations for the grants based on recommendation from the Mathematics Achievement Committee, the Secretary of the Education Cabinet, the Commissioner of Education, and the Center for Mathematics.
- Sets the priority for use of the teachers' professional growth fund from 2006-2010 for training and support for teams of coaches and mentors in reading and mathematics and for selected teachers to be highly trained in providing diagnostic assessment and intervention services for students in the primary program struggling with mathematics.

### **School bus drivers**

#### **HB 133 - AN ACT relating to transportation.**

**Sponsor: H. Collins**

- Establishes a new school bus endorsement for commercial driver's licenses, sets forth qualifications, and until October 1, 2005, permits the Transportation Cabinet to waive the driving skills test for the school bus endorsement for current license holders with satisfactory driving records.
- Prohibits the destruction of records of a violation of driving under the influence when under age 21, if the holder of a CDL.
- Removes the prohibition against the Transportation Cabinet assessing suspensions or penalties for out of state speeding violations as applied to the holder of a CDL.
- Requires a violation for which points were removed through state traffic school attendance still appear on a person's driving history record if that person holds or is required to hold a CDL.
- Provides new definitions of "conviction," "disqualification," "felony," "gross combination weight rating," "out-of-service order," "school bus," and "serious traffic violation" and creates a definition for the term "imminent hazard."
- Creates a letter code "S" on a CDL indicating a school bus endorsement, and to changed restriction codes for automatic transmissions and other restrictions.
- Applies all disqualification standards to those who possess or are required to possess a CDL.
- Creates new disqualifying offenses of driving a commercial motor vehicle with a suspended or revoked CDL and causing a fatality through negligent use of a commercial motor vehicle.
- Establishes new disqualifying offenses for violation of railroad grade crossing requirements, out-of-service criteria violations, and out-of-service violations when transporting passengers or hazardous materials.
- Establishes procedures for reporting CDL suspension, revocation, and disqualification. Establishes procedures for dealing with drivers who have been declared an imminent hazard by the Federal Motor Carrier Safety Administration.

- Permits the driver of a commercial motor vehicle to drive to an impoundment of storage facility if the vehicle is required to be moved as a result of certain violations and requires the vehicle to be moved to be escorted by a peace officer.
- Prohibits throwing of objects at trains or on railroad tracks, climbing or riding on railroad cars, disrupting the operation of a railroad, or tampering with a railroad grade crossing signal, and sets penalties. Makes trespassing on railroad property a Class B misdemeanor. Requires an applicant for a CDL to report each jurisdiction in which he or she has been licensed for the past 10 years.

### **Certification**

#### **HB 183 - AN ACT relating to the Education Professional Standards Board.**

##### **Sponsor: F. Rasche**

- Clarifies that a school principal or assistant principal who was certified in another state and practiced in that state for two or more years is exempt from taking a national leadership test. Clarifies that a one-year certificate may be given to a person to serve as an assistant principal if only a limited number of applicants is available to meet the requirements. Exempts principals and assistant principals certified in another state who have practiced for two years from certain assessment requirements.
- Specifies that a student enrolled in an alternative program under Option 6 must successfully complete the assessments before participating in the internship.
- Clarifies that a teacher who is fully certified in Kentucky and who is seeking an additional certification is not required to repeat the internship program.
- Extends the deadline from October to November for informing the Kentucky Department of Education of the teachers who are assigned classes out of field.
- Extends the pilot two-year teacher internship program by one year.

### **Nonresident Student Contracts**

#### **HB 197 – AN ACT relating to nonresident student contracts.**

##### **Sponsor: F. Rasche**

- Clarifies that a nonresident student agreement, which is between two local boards of education and triggers eligibility for SEEK funds for serving the nonresident students, may be a multi-year agreement; deletes the standard for appeals.

### **Diplomas for Vietnam veterans**

#### **HB 230 - AN ACT relating to Vietnam veterans.**

##### **Sponsors: K. Upchurch and D. Ford**

Requires a local board of education to award a high school diploma to an honorably discharged veteran who was enrolled in, but did not complete, high school prior to being inducted into the United States Armed Forces during the Vietnam War.

### **Tax Modernization**

#### **HB 272 - AN ACT relating to revenue and taxation and declaring an emergency.**

##### **Sponsor: J. Hoover**

- Makes omnibus changes to the state's tax code.
- Relating to school districts, the bill allows a district board of education to levy a general tax rate that will produce revenue from real property, exclusive of revenue

from new property, that is 4% over the amount of revenue produced by the compensating rate. This will apply to assessments on or after January 1, 2006.

- Requires that any utility gross receipts license tax initially levied by a district board of education on or after July 1, 2005 include the gross receipts derived from the furnishing of direct satellite broadcast and wireless cable services in addition to the gross receipts derived from the furnishing of utility services and cable services.
- Requires a school district that includes cable service in the utility gross receipts tax levied prior to July 1, 2005 to include gross receipts derived from the furnishing of direct satellite broadcast and wireless cable service in the base at the same rate as applied to cable unless the local board of education opts out of the requirement. Establishes a procedure for the local board to opt out of the cable and satellite tax prior to May 1, 2005.

### **Kentucky Commission on Autism Spectrum Disorders**

#### **HB 296 - AN ACT relating to the Kentucky Commission on Autism Spectrum Disorders.**

**Sponsors: S. Brinkman, et.al.**

- Establishes the Kentucky Commission on Autism Spectrum Disorders to develop a comprehensive state plan for an integrated system of training, treatments, and services for individuals of all ages with ASD, including a timeline to implement the plan in all geographic areas of the state.
- Requires the commission to make recommendations to the Governor and the General Assembly regarding legislation, administrative regulations, and policies.
- Requires the appointment of members by July 1, 2005, and the submission of the comprehensive state plan and recommendations by October 1, 2006.
- Requires the Cabinets for Health Services and Families and Children to provide administrative support to the commission. Requires the Kentucky Council on Developmental Disabilities to appoint a subcommittee to monitor the implementation of the state plan beginning October 1, 2006, at which time the commission will cease to exist.

### **Instructional leadership**

#### **HB 301 - AN ACT relating to instructional leadership.**

**Sponsor: J. Draud**

- Requires an instructional leader to complete an intensive training program of twenty-one hours annually.
- Requires local school district superintendent to report annually the name of any instructional leader who fails to comply with the training requirement and to place the instructional leader on probation for one year.
- Requires the Department of Education to verify training completion. Requires the Department of Education to forward names of persons who fail to complete training requirements during probationary period to the Education Professional Standards Board for certificate revocation.
- Allows 3 hours of training credit for duties performed as part of a beginning teacher internship committee (up to 6 hours credit for serving on multiple beginning teacher committees).



### **Construction services contracts**

#### **HB 449 - AN ACT relating to indemnification.**

**Sponsor: R. Adams**

- Defines "construction services contract," "contractor," and "contractee."
- Establishes that indemnification clauses purporting to indemnify or hold harmless a contractor from the contractor's own negligence or from the negligence of his or her agents or employees are void and unenforceable.

### **KEES**

#### **HB 460 - AN ACT relating to the Kentucky educational excellence scholarship program.**

**Sponsor: T. Pullin**

Moves the administrative responsibility of the Kentucky education excellence scholarship program from the Council on Postsecondary Education to the Kentucky Higher Education Assistance Authority (KHEAA). Changes reporting requirements for grades of students.

- Requires high schools to report student GPA's to KHEAA as opposed to the Department of Education.
- Prohibits disbursement of KEES to postsecondary students in default or owing over payment for loans or grants under Title IV.

#### **HB 497 - AN ACT relating to taxation.**

**Sponsor: C. Belcher**

- Makes omnibus changes relating to Revenue Cabinet access to electronic copies of records.
- Requires electronic filing and paying of utility gross receipts license taxes.
- Permits the Revenue Cabinet to share utility gross receipts license tax information with school districts.
- Amends the budget provisions relating to the equalized facility funding program to allow funding to continue for twenty years rather than then years.

### **EPSB Confirmations**

**HCR 8, 9, 10, 33, 41 - Confirm the gubernatorial appointments of Lonnie R. Anderson, Stephen H. T. Lin, Joseph Kent Juett, Rita Gwenn Presley, and Dr. Charles Samuel Evans to the Education Professional Standards Board.**

**Sponsor: R. Adams**

### **Study of School Calendar**

**HCR 55 – Directing the Legislative Research Commission to establish a task force to examine the relationship between Kentucky's educational system and the tourism industry relating to annual school calendars.**

**Sponsor: J. R. Gray**

**Civic Literacy**

**HJR 109 - Designates October as Civic Literacy and Engagement month in Kentucky.**

**Sponsor: T. Pullin**